R E M A R K S

Claims 1-20 are pending in the application. Claims 7-11 and 17-20 have been cancelled herein.

In the Office Action it is reported in item 13 of the Summary that "Some" of the priority documents have been submitted. It believed that all items were submitted and received by the U.S.P.T.O., therefore it is respectfully requested that the missing items be identified so they may be submitted.

Claims 1-6, 12, and 13-15 are rejected under 35 U.S.C. as being unpatentable over Kalra et al. (Kalra) in view of Horton. Claims 7-11 and 16-20 are rejected under 35 U.S.C. 103 as being unpatentable over Kalra in view of Horton and further in view Nakaya.

It is respectfully submitted that applicant's claimed invention is different from and non-obvious over the combination of references in least the following features:

As recited applicant's claimed invention, the video data distribution unit is distinguishable from the references in that the coding means inserts an intraframe-coded frame in a sequence of interframe-coded frames at predetermined regular intervals, when the received performance level messages indicate presence of such a recipient whose performance is insufficient to fully decode the coded data, or when the error status message indicate presence of such a recipient that is experiencing intolerably frequent errors.

In addition as recited applicant's claimed invention, the data terminals are distinguishable from the references in that the decoding means reproduces a subsampled video stream by selectively decoding the intra-coded frames out of the delivered video

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stream, when the performance level notification means identifies that the performance is insufficient to fully decode the delivered video stream including interframe-coded frames, or when the error status monitoring means detects intolerably frequent errors.

It is respectfully submitted that these features are not obvious from the combination of the three cited references for at least the following reasons:

Kalra teaches an apparatus which encodes, stores transmits and decodes multimedia information in the form of scalable, streamed digital data. A transcoder creates basic information and streams containing additive information from standard digital multimedia data. Client's computers can access a stream server which contains the scalable streamed digital data and each client's computer may access different stream combinations according to its profile.

In the Office Action it's admitted that Kalra does not disclose error status monitoring means to a monitor the error status of each terminal and send that status message to the video data distribution unit. As also admitted, none of the cited references discloses selectively decoding intra-coded frames. The Examiner has taken official notice in rejecting claims 10, 11, 19, and 20. Applicant respectfully disagrees with the statement that such a feature is well-known and in particular such a feature in combination with all the features in applicant's claimed invention is well-known.

The Nakaya reference shows combined use of P frames (interframe-coded frames) and I frames (intra-coded frames), which are not particularly intended for the receiving end that performs what the present invention calls "subsampled frame decoding."

It is known that prior-art coders have a function of inserting intra-coded frames at appropriate intervals, as in the "forced updating" stipulated in H. 261 standard

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specifications, for example.

However, such forced insertion of intra-coded frames is intended for preventing coding errors in interframe mode from excessively accumulating. According to the present invention, intra-coded frames are inserted at predetermined regular intervals, so that a receiving device can decode only those intra-coded frames while throwing away the interframe-coded frames.

The Office Action asserts that such features are well known, however it is respectfully submitted that applicant's combination of features in non-obvious and furthermore there is no suggestion which would lead one skilled in the art to make such a combination of prior art to arrive at the combination of features as recited in applicant's claims.

The Office Action only recites that it is "well-known" without providing any reference to judge this assertion by. The given example of a trickplay stream is unknown and how it would apply to applicant's combination of features. Thus it appears that the only such suggestion provided has been from applicant's own disclosure.

Thus even if all the elements were present in the cited references, it is well-established that a combination of limitations, some of which separately may be known, may be a new combination of limitations which is nonobvious under the condition of 35 U.S.C. 103. Moreover, "an examiner may often find every element of a claimed invention in the prior art." In re Rouffet, 47 USPQ3d 1453, 1457 (Fed. Cir. 1998) (reversing PTO obviousness rejection based on lack of suggestion or motivation to combine reference).

Therefore even if every element of a claimed invention is in the combined prior

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art there must be some suggestion or motivation to combine the references. "Although a reference need not expressly teach that the disclosure contained therein should be combined with another, the showing of combinability, in whatever form must nevertheless be 'clear and particularity.'" In re Dembiscak, 175 F.3d 994, 999 (CAFC 1999).

Because of applicant's unique combination of features applicant's claimed invention provides the advantage of improving computing performance of some recipients of coded data, or to address the difficulty of a recipient that is experiencing intolerably frequent errors. It is noted that the insertion of intra-coded frames maintains video quality for normal recipients.
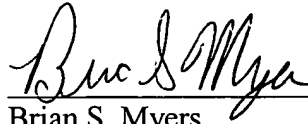
It should also be noted that the video data distribution unit of the invention provides the same single video data stream to both capable recipients and less-capable recipients, as opposed to Kalra's server, which provides different streams to clients with different capabilities.

Such features of the present claimed invention are not obvious from the cited three references. Particularly, none of the references teaches or suggests the concept of regularly inserting intra-coded frames to enable subsampled frame decoding. For at least these reasons the rejections should be withdrawn

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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